THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.24479 OF 2006

DATE: 24th November 2006

Between:

1. Syed Zakir Hussain,
   s/o Syed Osman, aged 33 years,
   Occ: business, r/o 8-3-167/B4,
   Jayanthinagar, Yousufguda,
   Hyderabad and 5 others.

… Petitioners.

And

1. The Municipal Corporation of Hyderabad,
   rep. by its Commissioner, Tank Bund Road,
   Hyderabad and another.

… Respondents.

* * *

ORDER:

The writ petition is filed by the petitioners praying for a writ of Mandamus declaring action of the respondents in not following due process of law as specified by the provisions of Hyderabad Municipal Corporation Act and also not considering the explanation dated 20.11.2006 given by the petitioner and trying to demolish the petitioners' house bearing No.8-3-167/B/4 and 8-3-167/B/4/1 situated at Jayanthinagar, Yousufguda, Hyderabad, as arbitrary and illegal and contrary to law.

2. Several factual details are narrated in the affidavit filed in

support of the writ petition. It is stated that first respondent issued a notice-dated 15.11.2006 to the petitioners 1 and 2 stating that they constructed room and compound wall unauthorisedly without obtaining any permission from the Corporation. The petitioners 1 and 2 submitted their explanation to the respondents on 20.11.2006. The apprehension of the writ petitioners is that without following further procedure, the respondents are contemplating to proceed with the demolition of their house. However, learned Standing Counsel G.Jyothi Kiran states that further steps will be followed in accordance with law. The same is hereby recorded.

3. In view of the same, the writ petition is disposed of directing the respondents to follow due process of law in relation to further steps as referred to supra. No order as to costs.

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24-11-2006

BSB